

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JAMES A. LUCAS,

Plaintiff,

v.

B.A. BLEDSOE, *et al.*,

Defendants.

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CIVIL NO. 1:11-CV-2318

Hon. John E. Jones III

**ORDER**

October 4, 2012

**THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:**

Plaintiff James A. Lucas (“Plaintiff” or “Lucas”), an inmate presently confined at the United States Penitentiary in Lewisburg, Pennsylvania (“USP Lewisburg”) initiated the above action *pro se* by filing a civil rights Complaint under the provisions of 28 U.S.C. § 1331. (Doc. 1.) Service of the Complaint was directed by Order dated January 6, 2012. (Doc. 9.)

Following requests for extensions of time to respond to the Complaint, which were granted, on July 11, 2012, a Motion to Dismiss, or in the alternative, Motion for Summary Judgment (Doc. 30) was filed on behalf of Defendants. A supporting brief (Doc. 37), statement of material facts (Doc. 38) and supporting exhibits (Docs. 37-1 through 37-5) were filed by Defendants on August 8, 2012. Pursuant to our

September 17, 2012 Order granting Lucas' second request for an extension of time, his opposition to Defendants' Motion currently is due to be filed on or before October 9, 2012. (Doc. 47.)

However, on August 30, 2012, Lucas filed a Motion requesting leave to amend his Complaint (Doc. 43), which was accompanied by a supporting brief (Doc. 44 at 1-5) and proposed amended complaint (Doc. 44 at 6-64). Following a request for an extension of time, which was granted, on October 3, 2012, Defendants filed a Response (Doc. 50) to Lucas' Motion for leave to Amend. Lucas seeks to amend his Complaint solely for the purpose of substituting the names of the following seven individuals who were named in the Complaint as John Doe Defendants:

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|-----|-------------|-----------------------------|
| (1) | C. Anderson | (John Doe #5);              |
| (2) | R. Segraves | (John Doe #6);              |
| (3) | K. Yakio    | (John Doe #7);              |
| (4) | M. Kline    | (John Doe #8);              |
| (5) | B. Gaston   | (John Doe #9);              |
| (6) | C. Frantz   | (John Doe #10);             |
| (7) | M. Farrow   | (John Doe #11) <sup>1</sup> |

We find that allowing Lucas to amend his Complaint to identify the above

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<sup>1</sup>In his Motion, Lucas explains that he determined the names of these Defendants through the exhibits submitted by original Defendants in support of their Motion to Dismiss, or in the alternative, Motion for Summary Judgment. (*See* Doc. 43 at 1 ¶ 2.) The Court confirmed the spelling of these individuals' names on the copy of the January 21, 2011 Report of Incident/After Action Report submitted as an Exhibit by Defendants. (*See* Doc. 37-2 at 35.)

individuals who previously were named as John Doe Defendants to be appropriate, and therefore, we shall grant his Motion for leave to Amend, and accept his proposed Amended Complaint (Doc. 44 at 7-64) for filing. Accordingly, Defendants' Motion to Dismiss, or in the alternative, Motion for Summary Judgment will be denied as moot; service of the Amended Complaint will be directed on the newly identified Defendants, as well as on counsel for the original Defendants; and the original Defendants will be directed to respond or otherwise plead to the Amended Complaint at the same time as the newly named Defendants.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

1. Plaintiff's Motion for leave to File an Amended Complaint (Doc. 43) is **GRANTED**.
2. The Clerk of Court shall docket the proposed amended complaint (Doc. 44 at 7-64) as the Amended Complaint in this action.
3. The Motion to Dismiss, or in the alternative, Motion for Summary Judgment filed on behalf of Defendants (Doc. 30) is **DENIED** as moot.
4. The United States Marshals Service is directed to serve the Amended Complaint (Doc. 44 at 7-64) on counsel for the original Defendants, and on the following newly identified Defendants, all of whom have been

identified as members of the USP Lewisburg staff: (1) C. Anderson; (2) R. Segraves; (3) K. Yakio; (4) M. Kline; (5) B. Gaston; (6) C. Frantz; and (7) M. Farrow.

5. The original Defendants are granted leave to respond or otherwise plead to the Amended Complaint at the same time that the newly named Defendants are required to do so.

s/ John E. Jones III  
John E. Jones III  
United States District Judge